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(erroneously named as JUDGE ROBERT ATTACK)

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 BEVERLY THORP,

13 Plaintiffs,

14 v.

15 JUDGE ROBERT ATTACK, et al.,

16 Defendants.

Case No. C08-01449 JF

**[PROPOSED] ORDER GRANTING  
DEFENDANT JUDGE ROBERT  
ATTACK'S MOTION TO DISMISS**

17  
18 Defendant Judge Robert Attack's motion to dismiss plaintiff's complaint came on  
19 regularly for hearing before this Court on June 20, 2008. Troy B. Overton, Esq. from the  
20 California Attorney General's Office appeared on behalf of Defendant Judge Robert Attack and  
21 Plaintiff Beverly Thorp appeared in propria persona.

22 The Court, having considered the pleadings filed herein and having heard oral argument  
23 from counsel and plaintiff and good cause appearing therefore:

24 IT IS HEREBY ORDERED that Defendant Judge Robert Attack's motion to dismiss is  
25 GRANTED.

26  
27 Dated: \_\_\_\_\_

JEREMY FOGEL  
United States District Judge

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **THORP, Beverly v. Judge Robert Attack**

No.: **C 08-01449JF**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 18, 2008, I served the attached **[PROPOSED] ORDER GRANTING DEFENDANT JUDGE ROBERT ATTACK'S MOTION TO DISMISS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Beverly Thorp  
c/o Box 2070  
Sunnyvale, CA 94087

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 18, 2008, at San Francisco, California.

\_\_\_\_\_  
Rosalinda F. Asuncion

Declarant

\_\_\_\_\_  
s/s Rosalinda F. Asuncion

Signature